

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Frances Moore

&

Raven Moore

(In the space above enter the full name(s) of the plaintiff(s).)

- against -

Township of Bloomfield

Essex County

&

State of New Jersey

CLERK
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
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2017 SEP 32 A 10:49

COMPLAINT

Jury Trial: ☒ Yes ☐ No

(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

| | | |
|-----------|------------------|--|
| Plaintiff | Name | <u>Frances Moore & Raven Moore</u> |
| | Street Address | <u>572 Valley Rd, #43713</u> |
| | County, City | <u>Essex County, Montclair</u> |
| | State & Zip Code | <u>New Jersey 07043</u> |
| | Telephone Number | <u>973-432-4575</u> |

- B. List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name Township of Bloomfield
 Street Address 1 Municipal Plaza
 County, City Essex County, Bloomfield
 State & Zip Code New Jersey 07003-3487

Defendant No. 2

Name Essex County
 Street Address Hall of Records, Room 247, 465 Dr. M.L. King Jr. Blvd.
 County, City Essex County, Newark
 State & Zip Code New Jersey 07102

Defendant No. 3

Name State of New Jersey,
 Street Address Tort Litigation Section, 20 West State Street
 County, City Mercer County, Trenton
 State & Zip Code New Jersey 08625

Defendant No. 4

Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. There are four types of cases that can be heard in federal court: 1) Federal Question - Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case; 2) Diversity of Citizenship - Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case; 3) U.S. Government Plaintiff; and 4) U.S. Government Defendant.

- A. What is the basis for federal court jurisdiction? (check all that apply)

☐ Federal Questions

☐ Diversity of Citizenship

☒ U.S. Government Plaintiff

☐ U.S. Government Defendant

- B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? _____
- _____
- _____

- C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. Where did the events giving rise to your claim(s) occur? On Broad Street in Bloomfield, New Jersey in front of "Hot Bagels Abroad & Deli" at 1129 Broad Street, Bloomfield, N.J.

- B. What date and approximate time did the events giving rise to your claim(s) occur? October 12, 2015 at approximately 6:14 a.m.

- C. Facts: _____

A motor vehicle owned and operated by Mr. Christopher G. Cheplic was driving in excess of 40 miles an hour when he struck and killed the decedent, Gary Moore, Esq. Mr. Moore was a pedestrian crossing at an unmarked crosswalk on Broad Street, from the location listed above in IIIA on the east side of the street towards his car parked on the west side of the street. Parking was permitted on both sides. Mr. Moore had already reached the median when the impact occurred. There was a couple sitting in front of the deli as well as a motorist behind Mr. Cheplic and several customers inside the bagel shop.

What
happened
to you?

Who did
what?

Was
anyone
else
involved?

Who else
saw what
happened?

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

The decedent, Gary Moore, Esq., was killed due to the impact with the motorist, Christopher Cheplic. Gary Moore suffered blunt impact and incised wounds of the head, blunt impact of the neck with fracture of hyoid, blunt impact and incised wounds of torso, blunt impact and incised wounds of upper extremities, and blunt impact of lower extremities. The autopsy determined the cause of death to be directly from these multiple blunt impact injuries.

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

The claim is for ten million dollars in damages. The plaintiffs' cause of action against the three defendants is by proximate cause of their negligence in providing adequate traffic calming measures in spite of awareness of danger on Broad Street (County Road 509) and access to funds. This negligence includes, but is not limited to, improper installation of traffic control devices and worn away crosswalks and median lines, in addition to the omission of yield signs and marked crosswalks where the nature of permitted parking on both sides of 1129 Broad Street would make such omissions unreasonable. The defendants had awareness of increasing accidents in the area and on Broad Street in particular in recent years.

The Turturro vs. City of New York case notes that sufficient traffic calming measures increase the amount of friction on traffic, or in other words, force motorists to reduce their speed in compliance with speed limits. The motorist, Christopher Cheplic, was driving in excess of 40 miles per hour when he struck Gary Moore. Three cameras worth of video footage from the apartment residence across the street show that Mr. Moore had already reached the median when he was struck. If the defendants had not neglected to create clear medians, clear crosswalks, visible traffic control devices at the nearby intersection, and a marked crosswalk for customers parked on the west side of the street, Mr. Cheplic would likely have been driving more slowly and Mr. Moore would have had more time to cross the 60+ feet back to the west side where he parked.

The US Department of Transportation published a report in 1993 stating that the total accident rate declines steadily with increasing median width from 0 to 33.5 m (0 to 110 ft). In this case, the motorist would have been more likely to reduce his speed from the nearby intersection with clearly defined crosswalks and medians. Moreover, parking is permitted on both sides of 1129 Broad St although the commercial businesses (including "Hot Bagels Abroad & Deli") are solely on the east side of the road. Therefore, it is expected that parking allowed on the west side (where Mr. Moore was parked) and within 25 feet of the unmarked crosswalk, where Mr. Moore had crossed, would neglect to account for the actual pedestrians parking there in need of a clearly defined crosswalk with a clearly defined median or island that would not leave them unduly exposed to oncoming traffic.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 22 day of September, 20 17.

Signature of Plaintiff _____

Mailing Address 572 Valley Rd, #43713
Montclair, New Jersey 07043

Telephone Number 973-432-4575

Fax Number (if you have one) _____

E-mail Address _____

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint.

Signature of Plaintiff: _____

(Raven Moore)